

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

MICHAEL EDWARD IRVING,  
Petitioner,  
v.  
WARDEN-SWARTHOUT,  
Respondent.

No. CV 11-4688-JFW (AGR)

**ORDER ACCEPTING FINDINGS AND  
RECOMMENDATION OF UNITED  
STATES MAGISTRATE JUDGE**

Pursuant to 28 U.S.C. § 636, the Court has reviewed the Petition, records on file, and the Report and Recommendation of the United States Magistrate Judge. Petitioner has not filed any Objections to the Report. The Court accepts the findings and recommendation of the Magistrate Judge.

IT IS ORDERED that Respondent's motion to dismiss is denied. The matter is referred to the Magistrate Judge for further proceedings.

DATED: 2/11/11

JOHN F. WALTER  
UNITED STATES DISTRICT JUDGE